

### **REMARKS**

The present Amendment is in response to the Office Action mailed August 27, 2008. Claims 1 and 9 are amended, and claims 1-18 remain pending in view of the above amendments. Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

### **Rejection Under 35 U.S.C. § 101**

The Office Action rejected claims 1-9 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. More specifically, the Examiner indicates that the claims are directed to a judicial exception without a tangible result claimed. The Examiner suggests that the claims are nothing more than mathematical manipulation of quantitative data and merely correcting would not appear to be sufficient to constitute a tangible result since the outcome of the correcting step has not been used in a disclosed practical application nor made available in such a manner that its usefulness in a disclosed practical application can be realized.

Claim 1 has been amended<sup>1</sup> to recite "controlling a state of charge of the battery system using the corrected measured voltages." This element clearly constitutes a tangible result because controlling the state of charge of a battery system is a practical application. Applicants respectfully submit that claim 1 is therefore directed to patentable subject matter. Dependent claims 2-8 and independent claim 9 are similarly directed to patentable subject matter.

### **Allowed Subject Matter**

The Examiner's careful review and allowance of claims 10-18 is appreciated. Applicant notes that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable.

### **CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated November 21, 2008.

Respectfully submitted,

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<sup>1</sup> Support for the amendment can be found at least at page 1, lines 20-22 and page 16, line 20 to page 17, line 7.